

MINUTES OF THE NHLC
DIVISION OF ENFORCEMENT & LICENSING MEETING
FOR WEDNESDAY, JUNE 27, 2012

1. LICENSEES WHO HAVE NOT ATTENDED MANDATORY TRAINING:

None

2. HEARINGS SCHEDULED AT THE LIQUOR COMMISSION, 50 STORRS STREET, CONCORD, NH:

August 3, 2012 @ 8:30 a.m.:

McCue's Billiards & Sports Lounge, 12 Emerald Street, Keene, NH.

Sports Entertainment License #2503405.

Licensed pursuant to RSA 178:20, (u)(1).

Cited for violation of RSA 179:5, I - served or sold an alcoholic beverage to an individual who was visibly intoxicated or who a reasonable and prudent person would know is intoxicated.

Date of violation: October 16, 2010.

Case #: 10-548-OF.

ASSENTED-TO MOTION TO CONTINUE HEARING SCHEDULED FOR MARCH 26, 2012 FILED BY THE LICENSEE AND GRANTED BY THE COMMISSION.

ASSENTED-TO MOTION TO CONTINUE HEARING SCHEDULED FOR MAY 11, 2012 FILED BY THE DIVISION OF ENFORCEMENT AND GRANTED BY THE COMMISSION.

HEARING COMMENCED JUNE 18, 2012 AND WILL CONTINUE ON AUGUST 3, 2012.

HEARING SCHEDULED AT THE DIVISION OF ENFORCEMENT, 57 REGIONAL DRIVE, CONCORD, NH:

None

3. WARNING LETTERS/FINES/SUSPENSIONS/MANDATORY TRAINING FOR COMMISSION APPROVAL:

a. Canoe Club of Hanover, 27 South Main Street, Hanover, NH.

Restaurant On-Premise Beverage/Wine/Liquor License #1251903.

Licensed pursuant to RSA 178:21.

Cited for violation of RSA 179:5, I - served or sold an alcoholic beverage to an individual who was visibly intoxicated or who a reasonable and prudent person would know is intoxicated – 2 counts.

Date of violation: September 3 – 4, 2010.

Case #: 11-431-OF.

Recommendation: Settlement reached for a \$2,000 administrative fine with \$500 suspended for twelve (12) months pending no like violation, four (4) points assessed to the liquor license and the liquor license suspended for eight (8) days with four (4) days held in abeyance for twelve (12) months pending no like violation commencing July 2, 2012 with re-grant on July 6, 2012.

COMMISSION APPROVED.

b. Chehalem, 31190 NE Varitas Lane, Newberg, OR.

Direct Shipper Permit #8095833.

Licensed pursuant to RSA 178:27.

Cited for violation of RSA 178:27, V/Liq. 1103.01 – failed to report a shipment by the 15th of the following month.

Date of violation: December 29, 2011.

Case #: 11-579-OF.

Recommendation: \$250 administrative fine suspended for twelve (12) months pending no like violation.

COMMISSION APPROVED.

- c. Fraternal Order of Eagles 2629, 793 Main Street, Bethlehem, NH.
Social Club License #20901.
Licensed pursuant to RSA 178:22, V(h).
Cited for violation of RSA 179:5, I - served or sold an alcoholic beverage to an individual who was visibly intoxicated or who a reasonable and prudent person would know is intoxicated.
Date of violation: January 21, 2012.
Case #: 12-21-OF.
Recommendation: Settlement reached for an administrative fine of \$500 to come forward from a violation adjudicated on April 27, 2011, an additional administrative fine of \$500, four (4) points shall be assessed to the liquor license, the license to sell alcohol shall be suspended for two (2) days to come forward from a violation adjudicated on April 27, 2011 to be served on July 7, 2012 through July 8, 2012, the license to sell alcohol shall be suspended for an additional two (2) days to be served on July 9, 2012 through July 10, 2012; full license privileges shall be restored on July 11, 2012, and mandatory attendance at a Total Education in Alcohol Management (TEAM) seminar within thirty (30) days of adjudication for all bartenders and trustees/officers.
COMMISSION APPROVED.
- d. Gold Medal Wine Club, 5330 Debbie Road, Santa Barbara, CA.
Direct Shipper Permit #8001833.
Licensed pursuant to RSA 178:27.
Cited for violation of RSA 178:27, V/Liq. 1103.01 – failed to report a shipment by the 15th of the following month.
Date of violation: May 16, 2012.
Case #: 12-157-OF.
Recommendation: \$250 administrative fine suspended for twelve (12) months pending no like violation.
COMMISSION APPROVED.
- e. New Hong Kong Buffet, 12 Old State Road, Belmont, NH.
Restaurant Beverage and Wine License #1352803.
Licensed pursuant to RSA 178:20.
Cited for violation of RSA 178:1, I – kept alcohol for sale without obtaining the proper license.
Date of violation: March 17, 2012.
Case #s: 12-106-OF.
Recommendation: A \$1,000 administrative fine with \$500 suspended for twelve (12) months pending no like violation.
COMMISSION APPROVED.
- f. Old Amsterdam Bar & Lounge, 8 Temple Street, Nashua, NH.
Restaurant On-Premise Beverage/Wine/Liquor License #1398803.
Licensed pursuant to RSA 178:21.
Cited for violation of RSA 179:5, I – served or sold alcoholic beverage to an underage person.
Cited for violation of RSA 179:27, II - served or consumed alcoholic beverage in areas not approved by the Commission.
Date of violations: February 25, 2012.
Case #: 12-65-OF.
Recommendation: Settlement reached; penalties relative to RSA 179:5, I relate to service of alcohol to an under-aged person: an administrative fine of \$1,000 with \$500 suspended for twelve (12) months pending no like violation, four (4) points shall be assessed to the liquor license and the license to sell alcohol shall be suspended for five (5) days with three (3) days held in abeyance for twelve (12) months pending no like violation commencing July 7, 2012 with re-grant on July 9, 2012.
COMMISSION APPROVED.

- g. Strange Brew Tavern, 88 Market Street, Manchester, NH.
Restaurant Full Service With Lounge License #1094903.
Licensed pursuant to RSA 178:21, II(a)(1)/178:22, V(q).
Cited for violation of RSA 179:51 – failed to maintain an orderly premises.
Date of violation: March 30, 2011.
Case #: 11-185-OF.
Recommendation: Verbal Warning.
COMMISSION APPROVED.

4. NOTIFICATION OF NON-CONTESTED TITLE XIII VIOLATION FINES PAID IN FULL:

- a. Miramonte Winery, 33410 Rancho California Road, Temecula, CA.
Direct Shipper Permit #8067933.
Licensed pursuant to RSA 178:27.
Cited for violation of RSA 178:27, V/Liq. 1103.01 – failed to report a shipment by the 15th of the following month.
Date of violation: June 1, 2012.
Case #: 12-171-OF.
\$250 administrative fine paid.
COMMISSION ACKNOWLEDGED.
- b. Tony The Tiger, 41 Webster Street, Manchester, NH.
Combination Off-Premise Beverage/Wine/Tobacco License #3196247.
Licensed pursuant to RSA 178:18.
Date of violation: April 12, 2012.
Case #12-126-OF.
Cited for violation of RSA 175:1, XXXVI – failed to have and maintain at least \$3,000 wholesale value of groceries commonly found in such stores readily available to the public.
\$250 administrative fine paid.
COMMISSION ACKNOWLEDGED.

5. NOTIFICATION OF COMPLIANCE CHECKS SCHEDULED WITHIN NINETY (90) DAYS:

None

6. NOTIFICATION OF ALCOHOL COMPLIANCE CHECKS:

None

7. NOTIFICATION OF TOBACCO COMPLIANCE CHECKS:

None

8. NOTIFICATION OF NEW APPROVED LICENSES:

- a. Fresh Market, Inc. DBA Fresh Market of Bedford, 79 South River Road, Bedford, NH 03110.
Issued Combination Off-Premise Beverage/Wine License #3293547 pursuant to RSA 178:18.
COMMISSION ACKNOWLEDGED.
- b. Union Square Provisions LLC, 99 Union Square, Milford, NH 03055.
Issued Retail Table Wine Off-Premise Wine License #3156746 pursuant to RSA 178:19.
COMMISSION ACKNOWLEDGED.
- c. Valpat Enterprises LLC DBA Mr. Macs, 497 Hooksett Road, Manchester, NH 03104.
Issued Restaurant On-Premise Beverage/Wine License #1452203 pursuant to RSA 178:20.
COMMISSION ACKNOWLEDGED.

9. NOTIFICATION OF APPROVED SOLICITORS/REPRESENTATIVE & DIRECT SHIPPER APPLICATIONS:

TOTAL NUMBER OF ACTIVE DIRECT SHIPPER PERMITS ENDING JUNE 25, 2012: 1,002

- a. Arbor Vineyards, Inc. DBA Mettler Family Vineyards,
15451 North Alpine Road, Lodi, CA 95240.
Issued Direct Shipper Permit #8198633 pursuant to RSA 178:27.
COMMISSION ACKNOWLEDGED.
- b. Biagio Cru and Estate Wines LLC, 73 Powerhouse Road, Roslyn Heights, NY 11577.
Issued Beverage Vendor License #63531 pursuant to RSA 178:15.
COMMISSION ACKNOWLEDGED.
- c. Caracciolo Cellars, Inc., 18181 Cachaqua Road, Carmel Valley, CA 93924.
Issued Direct Shipper Permit #8198833 pursuant to RSA 178:27.
COMMISSION ACKNOWLEDGED.
- d. Drinks Group LLC (The), 297 Kingsbury Grade, Suite 100, Stateline, NV 89449.
Issued Beverage Vendor License #62631 pursuant to RSA 178:15.
COMMISSION ACKNOWLEDGED.
- e. Mayflower Brewing Company LLC, 12 Resnik Road, Plymouth, MA 03260.
Issued Beverage Vendor License #63331 pursuant to RSA 178:15.
COMMISSION ACKNOWLEDGED.
- f. Mutt Lynch Winery, Inc., 602 Limerick Lane, Healdsburg, CA 95448.
Issued Direct Shipper Permit #8198733 pursuant to RSA 178:27.
COMMISSION ACKNOWLEDGED.

10. CANCELLATION OF PERMITS FOR COMMISSION APPROVAL:

Kokomo Wines, 4791 Dry Creek Road, Healdsburg, CA.
Direct Shipper Permit #8102833.
Licensed pursuant to RSA 178:27.
Cited for violation of RSA 178:27, V/Liq. 1103.01 – failed to report a shipment by the 15th of the following month.
Date of violation: May 16, 2012.
Case #: 12-156-OF.
Failed to pay \$250 administrative fine.
COMMISSION APPROVED.

11. NOTIFICATION OF APPROVED PETITIONS:

- a. Boston Culinary Group, Inc., 719 Cherry Valley Road, Gilford, NH 03246.
Sports Recreation Facility On-Premise Cocktail Lounge License #572305.
Licensed pursuant to RSA 178:22, V.
Requests approval for other areas, to wit, an outside fenced area with a capacity of 157 from June 8, 2012 through November 14, 2012 sanctioned off appropriately pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.
- b. Charbel Dagher DBA CD Restaurant & Lounge, 2323 Brown Avenue, Manchester, NH 03103.
Restaurant On-Premise Cocktail Lounge License #1451103.
Licensed pursuant to RSA 178:22, V.
Requests approval for other areas, to wit, an outside roped area with a capacity of 15 sanctioned off appropriately pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.

- c. Colebrook Country Club, Inc., Route 26, Colebrook, NH 03576.
Sports Recreation Facility On-Premise Cocktail Lounge License #396805.
Licensed pursuant to RSA 178:22, V.
Requests approval for other areas, to wit, an outside fenced area with a capacity of 500 on June 23, 2012 from 7:00pm to 1:00am sanctioned off appropriately pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.
- d. Cooper Hill Pizzeria LLC, 261 First New Hampshire Turnpike, Northwood, NH 03261.
Restaurant On-Premise Beverage/Wine/Liquor License #1434703.
Licensed pursuant to RSA 178:21.
Requests approval for other areas, to wit, outside patio areas with a total capacity of 29 sanctioned off appropriately pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.
- e. Dining Adventures LLC DBA Hungry Buffalo, 58 Route 129, #202, Loudon, NH 03307.
Restaurant On-Premise Cocktail Lounge License #1449203.
Licensed pursuant to RSA 178:22, V.
Requests approval for other areas, to wit, an outside patio area with a capacity of 45 sanctioned off appropriately pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.
- f. Fresh Local LLC DBA Street Eat Drink 360, 801 Islington Street, Portsmouth, NH 03801.
Restaurant On-Premise Cocktail Lounge License #1451103.
Licensed pursuant to RSA 178:22, V.
Requests approval for other areas, to wit, an outside patio area with a capacity of 47 sanctioned off appropriately pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.
- g. John Giuda DBA Dell-Lea Country Club, 81 Pleasant Street, Chichester, NH 03258.
Caterers On-Premise Cocktail Lounge License #934326.
Licensed pursuant to RSA 178:22, V.
Requests exception to RSA 178:27, III, to wit, for approval for authorization to purchase wine from Direct Shipper, Lucas Vineyards, Inc, 3862 County Road 150, Interlaken, NY 14847, permit #8056333 and Lakewood Vineyards, Inc., 4024 Street Route 14, Watkins Glen, NY 14891, permit #8191733 pursuant to RSA 178:32, III.
COMMISSION ACKNOWLEDGED.
- h. Illig Enterprises, Inc. DBA The Inn at Thorn Hill, Thorn Hill Road, Jackson, NH 03846.
Hotel On-Premise Cocktail Lounge License #213002.
Licensed pursuant to RSA 178:22, V.
Requests approval for other areas, to wit, an outside tented area with a capacity of 280 on June 23, 2012 from 6:00pm to 12:00am sanctioned off appropriately pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.
- i. JHL Restaurant Group, Inc. DBA Weirs Beach Lobster Pound, 70 Endicott Street, Laconia, NH 03247.
Restaurant On-Premise Beverage/Wine/Liquor License #1351503.
Licensed pursuant to RSA 178:21.
Requests approval for other areas, to wit, outside fenced and tented areas with a total capacity of 1,500 from June 9, 2012 through June 17, 2012 sanctioned off appropriately pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.
- j. KM Entertainment LLC DBA L & M Rack It/L & M Grand, 61 Canal Street, Manchester, NH 03104.
Sports Recreation Facility On-Premise Cocktail Lounge License #6013905.
Licensed pursuant to RSA 178:20, (u)(1).
Requests approval for other areas, to wit, an outside patio area with a capacity of 75 sanctioned off appropriately pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.

- k. Lake Sunapee Country Club, Inc., Country Club Lane, New London, NH 03257.
Sports Recreation Facility On-Premise Cocktail Lounge License #29205.
Requests approval to charge a corkage fee, to wit, to charge a fee when serving a bottle of wine brought in by customers, to be stored separately from licensed alcohol and served when requested when a full meal is consumed pursuant to RSA 178:21, II, a (5).
COMMISSION ACKNOWLEDGED.
- l. Loon Mountain Recreation Co. DBA Governor Adams Lodge, Loon Mountain, Lincoln, NH 03251.
Sports Recreation Facility On-Premise Cocktail Lounge License #284805.
Licensed pursuant to RSA 178:22, V.
Requests approval for other areas, to wit, an outside slope side patio area with a capacity of 300 and a fenced in area with a capacity of 400 on August 18, 2012 from 3:00pm to 10:00pm sanctioned off appropriately pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.
- m. Loon Mountain Recreation Co. DBA Loon Mountain Ski Area,
60 Loon Mountain Road, Octagon Lodge Café, Lincoln, NH 03251.
Restaurant On-Premise Beverage/Wine License #404103.
Licensed pursuant to RSA 178:20.
Requests approval for other areas, to wit, an outside fenced area at Octagon Turn Around with a capacity of 400 on August 17, 2012 at 5:00pm to 9:00pm sanctioned off appropriately pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.
- n. Nonni's New London LLC, 247 Newport Road, Unit 4, New London, NH 03257.
Restaurant On-Premise Cocktail Lounge License #1369703.
Licensed pursuant to RSA 178:22, V.
Requests approval for other areas, to wit, an outside patio area with a capacity of 15 sanctioned off appropriately pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.
- o. RAM JAC, Inc. DBA Seven Barrel Brewery, Route 12-A, Colonial Plaza, West Lebanon, NH 03784.
Brew Pub On-Premise Cocktail Lounge License #2000615.
Licensed pursuant to RSA 178:22, V.
Requests approval for other areas, to wit, an outside patio area with a capacity of 35 sanctioned off appropriately pursuant to RSA 178:24 and Liq. 404.05
COMMISSION ACKNOWLEDGED.
- p. Rockingham Park Food Service LLC, 1 Rockingham Park Boulevard, Salem, NH 03079.
Race Track (Pari-Mutual) On-Premise Cocktail Lounge License #541024.
Licensed pursuant to RSA 178:22, V.
Requests approval for other areas, to wit, an outside beer garden area with a capacity of 250 on June 30, 2012 from 10:30am to 5:00pm sanctioned off appropriately pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.
- q. Sabatino's North LLC, 1 East Broadway, Derry, NH 03038.
Restaurant On-Premise Beverage/Wine/Liquor License #1335703.
Licensed pursuant to RSA 178:21.
Requests approval for other areas, to wit, an outside sidewalk area with a capacity of 67 and an outside sidewalk area with a capacity of 14 sanctioned off appropriately pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.
- r. Surf Portsmouth, Inc., 99 Bow Street, Portsmouth, NH 03801.
Restaurant On-Premise Beverage/Wine/Liquor License #1424503.
Licensed pursuant to RSA 178:21.
Requests approval for other areas, to wit, an outside patio area with a capacity of 10 sanctioned off appropriately pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.

- s. Stella Blu LLC, 70 East Pearl Street, Nashua, NH 03060.
Restaurant On-Premise Beverage/Wine/Liquor License #1358103.
Licensed pursuant to RSA 178:21.
Requests approval for other areas, to wit, an outside street area with a capacity of 160 on June 20, 2012, July 11, 2012 and August 8, 2012 from 6:30pm to 11:00pm sanctioned off appropriately pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.
- t. Tandy Stephens, Inc. DBA Tandy's Top Shelf, 1 Eagle Square, Concord, NH 03301.
Restaurant On-Premise Beverage/Wine/Liquor License #1404103.
Licensed pursuant to RSA 178:21.
Requests approval for an outside area, to wit, an outside atrium area at 7 Eagle Square, Concord, NH with a capacity of 206 on June 16, 2012 from 5:00pm to 1:00am sanctioned off appropriately pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.
- u. TL&G LLC DBA Villa Banca, 194 Main Street, Nashua, NH 03060.
Restaurant On-Premise Cocktail License #1066603.
Licensed pursuant to RSA 178:22, V.
Requests approval for other areas, to wit, an outside street area with a capacity of 160 on June 20, 2012, July 11, 2012 and August 8, 2012 from 6:30pm to 11:00pm sanctioned off appropriately pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.
- v. Union Square Provisions LLC, 99 Union Square, Milford, NH 03055.
Retail Table Wine Off-Premise Wine License #3156746.
Licensed pursuant to RSA 178:19.
Requests a waiver to RSA 179:48, IV, to wit, to allow direct access from the establishment to a private residence to be locked at all times.
COMMISSION ACKNOWLEDGED.

12. COMMISSION DECISIONS PENDING AFTER AGENDA MEETING:

None

13. COMMISSION DECISIONS PENDING AFTER HEARING:

Kelsey's At The Grant, 15 Kimball Road, Gilford, NH.
Restaurant Full Service With Lounge License #1363303.
Licensed pursuant to RSA 178:21, II(a)(1)/178:22, V(q).
Cited for violation of RSA 179:5, I - served or sold an alcoholic beverage to an individual who was visibly intoxicated or who a reasonable and prudent person would know is intoxicated.
Cited for violation of RSA 179:20, II – allowed an employee to consume alcoholic beverage while working.
Cited for violation of RSA 179:27, II - served or consumed alcoholic beverage in areas not approved by the Commission.
Cited for violation of RSA 179:44, I – gave away free drinks to customers, patrons, members or guests.
Cited for violation of RSA 179:51 – insufficient lighting.
Cited for violation of RSA 178:22 – failed to offer meals.
Cited for violation of RSA 179:40, II – refilled bottles of legally purchased beverage or liquor.
Cited for violation of RSA 179:50, II – allowed the premise to be used for a purpose that was contrary to law.
Dates of violations: In or about July, 2011 and October 18, 2011.
Case #: 11-497-OF.
THE LICENSEE AGREED TO PUT HIS LIQUOR LICENSE IN SAFEKEEPING EFFECTIVE DECEMBER 12, 2011.
THE LICENSEE WILL ADDRESS HIS ALCOHOL/FOOD RATIO AT THE HEARING.
ASSENTED-TO MOTION TO CONTINUE HEARING FILED BY THE DIVISION OF ENFORCEMENT

AND GRANTED BY THE COMMISSION ON APRIL 16, 2012.
THE HEARING WAS HELD ON MAY 31 – JUNE 1, 2012; REVIEW OF EVIDENCE AND CLOSING ARGUMENTS WERE HELD ON JUNE 13, 2012 @ 9:00 A.M. AT COMMISSION OFFICES, 50 STORRS STREET, CONCORD, NH.
THE COMMISSION ISSUED A PRELIMINARY ORDER REQUESTING THAT THE PARTIES SUBMIT A RECOMMENDATION FOR PENALTIES WITHIN TEN (10) CALENDAR DAYS FROM JUNE 27, 2012.

14. MISCELLANEOUS ITEMS FOR COMMISSION APPROVAL:

Duckhorn Vineyards, 1000 Lodi Lane, St. Helena, CA.
Direct Shipper Permit #8009033.
Licensed pursuant to RSA 178:27.
Cited for violation of RSA 178:27, V/Liq. 1103.01 – failed to report a shipment by the 15th of the following month.
Date of violation: February 9, 2012.
Case #: 12-53-OF.
Requests to have permit reinstated.
Recommendation: Approval.
COMMISSION APPROVED.

15. EXECUTIVE SESSION ITEMS:

None